

North Carolina's Solid Waste Act of 2007



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History



- Starting in on August 1st of 2006: a 1 year moratorium was place on the permitting of any new landfills in the State of North Carolina.
- Prior to this; 4 landfills had been planned for eastern North Carolina. The locations for these landfills met permitting regulations but many thought these locations were “marginally” acceptable at best.

Reasons for the Moratorium



- **The legislature cited the following reasons for the moratorium just to name a few:**
 - Protection of the drinking water.
 - Protection of the ecosystem including endangered species.
 - Protection of the public health.
 - Protection of the natural beauty of the State.
 - Need to explore waste management techniques other than landfilling.

Results of the Study



- **Strengthening Existing Oversight, Review, and Procedural Matters**
- • Require Applicant to demonstrate Financial Qualifications
- • Expand Financial Assurance to include risk for Corrective Action
- • Strengthen Environmental Compliance Reviews
- • Clarify the definition of 'Owner or Operator'
- • Increase the Solid Waste Enforcement Provisions
- • Require notification to DENR of significant changes to corporate structure
- • Set standards for Safe Transportation of solid waste by rail and barge
- • Require Environmental Impact Studies for new large landfills
- • Require Traffic Studies for new large facilities
- • Authorize local governments to employ Liaisons at landfills within their jurisdiction
- • Require Quality Assurance Construction Certifications by Independent third party
- • Clarify the Grounds for Permit Denial



- **Environmental Protections: Next Generation Landfills**
- • For new MSW landfills require double liners with leak detection
- • For new C&D landfills require liners with leachate collection systems
- • For new landfills increase vertical separation to 5 feet above groundwater and bedrock
- • For new landfills increase horizontal separation to 200 feet from streams and wetlands
- • Clarify the prohibition restricting landfills in areas reclaimed from 100-year floodplains
- • For all landfills provide design standard for leachate collection systems
- • For all landfills require dual containment of leachate pipes outside of lined areas
- • For all landfills require annual cleaning and inspections of leachate collection systems
- • For all landfills require leak and damage testing for newly constructed liners



- For all landfills restrict pipe penetrations through liners
- • Develop rules to require landfill gas management at all MSW Landfills
- • Expand waste screening programs to address locally and state prohibited items
- • Develop rules addressing emerging technologies such as bioreactors.
- • Develop rules to address wildlife management and sensitive area protections
- **Funding**
- • Establish Permit Fees
- • Establish Tipping Fee Surcharge to fund clean-up of old sites

Solid Waste Act of 2007



- **Strengthening Existing Oversight, Procedural Matters**
- Applicants must demonstrate Financial Qualifications
- Financial Assurance sufficient to cover a minimum of \$3,000,000 in costs for potential assessment and corrective actions
- Environmental Compliance Reviews expanded
- Business entity incorporated into “Owner or Operator” definition
- Solid Waste Enforcement Provisions increased
- Notification to DENR of significant changes of the business entity required
- Local governments no longer exempt from environmental impact statement
- Local government landfill liaison authorized
- Permit Denial grounds clarified
- Transfer of solid waste permits prohibited

Environmental Protections and Response



- New landfills must be separated 200 feet from streams and wetlands
- Landfills are restricted in areas reclaimed from 100-year floodplains and wetlands
- Design standards for leachate collection systems must be met at new landfills
- New landfills must have dual containment of leachate pipes outside of lined areas
- New landfills require annual cleaning and inspections of leachate lines
- Leak and damage testing for newly constructed liners is required
- Pipe penetration through liners is restricted at new landfills
- C & D landfills must be lined with synthetic liner and have leachate collection
- Screening programs must address locally and state prohibited items



- Rules regarding landfill gases, bioreactor landfills, bird and wildlife management plans and environmental impact minimization shall be considered and adopted as necessary to minimize impacts on public health, safety, welfare, and the environment
- Combustion product landfills co-located at coal fired generating units must meet bottom liner standards, have a leak detection system and a response plan with corrective action
- New landfills must be a minimum of one mile from state wildlife gamelands, two miles from state parks and five miles from National Wildlife Reserves
- Environmental impact statements required of new landfills
- Traffic studies required for certain new solid waste facilities
- Establishes a state program to address pre-1983 landfills

Funding Issues



- **Permit Fees for applications and annual operation established to fund state staff**
- **Solid Waste Disposal Tax of \$2.00 per ton established**
 - \$1.00 to local governments and counties to assist with solid waste.
 - Not audited, cities & counties can use it for anything related to solid waste.
 - Rest for Grants, closed landfill issues, research.



- Provides funding to local governments for solid waste activities
- Establishes \$10,000 fee for manufacturers of computers
 - This is currently being modified and re drafted.

E-Waste Management



- **Computer recycling required**
- Requires registration of computer manufacturers
- Requires plan for recovery of discarded computers from manufacturers
- All E-Waste initiatives are currently being reviewed by a task force.

Current Lawsuit.



- Companies involved with the original 4 landfills have an active suit against the State to recoup \$25 million dollars they feel they lost due to the enactment of the Act.